

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

VAN A. LUPO,

Plaintiff

v.

BANK of AMERICA,

Defendant

C.A. Number 04-40202-FDS

**ASSENTED TO MOTION of PLAINTIFFS TO AMEND PLEADINGS TO JOIN
THIRD-PARTY DEFENDANT, SHERYL LUPO**

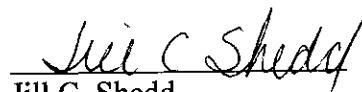
NOW COMES the Plaintiff in the above titled matter and respectfully requests leave from this Honorable Court to allow the Plaintiff to Amend his Pleadings to join Sheryl Lupo as a Defendant. In support of this motion the Plaintiff states as follows:

1. Under Fed.R.Civ.P. Rule 14, a plaintiff may bring in a third party when a counterclaim is asserted against the Plaintiff. The Defendant, Bank of America, counterclaimed against the Plaintiff on June 27, 2005.
2. Under Fed.R.Civ.P. Rule 15(a), a party may amend the party's pleading only by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires.
3. The Plaintiff, through investigation and through interaction with Defendant Bank of America has recently become aware that Defendant, Sheryl Lupo has not availed herself of Federal Bankruptcy protection as previously believed.
4. The Defendant, Sheryl Lupo, is in violation of several federal statutes and several Massachusetts statutes among them fraud, forgery and breach of contract.
5. A Memorandum in Support of this Motion and a Proposed Amended Complaint are attached herein.

Thus, in the interest of justice the Plaintiff respectfully requests that this Honorable Court grant Plaintiff's Assented to Motion to Amend Pleadings to Join Third-Party Defendant Sheryl Lupo.

Respectfully Submitted,

Van A. Lupo
By his Counsel



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DATED: October 27, 2005

Assented To:

Bank of America
By its Counsel

/s/ assented to signature via email
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